



Sen. Ram Villivalam

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1 AMENDMENT TO SENATE BILL 818

2 AMENDMENT NO. _____. Amend Senate Bill 818, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The School Code is amended by changing
6 Sections 2-3.62, 27A-5, and 34-18.8 and by adding Sections
7 27-9.1a and 27-9.1b as follows:

8 (105 ILCS 5/2-3.62) (from Ch. 122, par. 2-3.62)

9 Sec. 2-3.62. Educational service centers.

10 (a) A regional network of educational service centers
11 shall be established by the State Board of Education to
12 coordinate and combine existing services in a manner which is
13 practical and efficient and to provide new services to schools
14 as provided in this Section. Services to be made available by
15 such centers shall include the planning, implementation and
16 evaluation of:

- 1 (1) (blank);
- 2 (2) computer technology education;
- 3 (3) mathematics, science and reading resources for
- 4 teachers including continuing education, inservice
- 5 training and staff development.

6 The centers may provide training, technical assistance,
7 coordination and planning in other program areas such as
8 school improvement, school accountability, financial planning,
9 consultation, and services, career guidance, early childhood
10 education, alcohol/drug education and prevention,
11 comprehensive personal health and safety education and
12 comprehensive sexual health ~~family life~~ ~~sex~~ education,
13 electronic transmission of data from school districts to the
14 State, alternative education and regional special education,
15 and telecommunications systems that provide distance learning.
16 Such telecommunications systems may be obtained through the
17 Department of Central Management Services pursuant to Section
18 405-270 of the Department of Central Management Services Law
19 (20 ILCS 405/405-270). The programs and services of
20 educational service centers may be offered to private school
21 teachers and private school students within each service
22 center area provided public schools have already been afforded
23 adequate access to such programs and services.

24 Upon the abolition of the office, removal from office,
25 disqualification for office, resignation from office, or
26 expiration of the current term of office of the regional

1 superintendent of schools, whichever is earlier, the chief
2 administrative officer of the centers serving that portion of
3 a Class II county school unit outside of a city of 500,000 or
4 more inhabitants shall have and exercise, in and with respect
5 to each educational service region having a population of
6 2,000,000 or more inhabitants and in and with respect to each
7 school district located in any such educational service
8 region, all of the rights, powers, duties, and
9 responsibilities theretofore vested by law in and exercised
10 and performed by the regional superintendent of schools for
11 that area under the provisions of this Code or any other laws
12 of this State.

13 The State Board of Education shall promulgate rules and
14 regulations necessary to implement this Section. The rules
15 shall include detailed standards which delineate the scope and
16 specific content of programs to be provided by each
17 Educational Service Center, as well as the specific planning,
18 implementation and evaluation services to be provided by each
19 Center relative to its programs. The Board shall also provide
20 the standards by which it will evaluate the programs provided
21 by each Center.

22 (b) Centers serving Class 1 county school units shall be
23 governed by an 11-member board, 3 members of which shall be
24 public school teachers nominated by the local bargaining
25 representatives to the appropriate regional superintendent for
26 appointment and no more than 3 members of which shall be from

1 each of the following categories, including but not limited to
2 superintendents, regional superintendents, school board
3 members and a representative of an institution of higher
4 education. The members of the board shall be appointed by the
5 regional superintendents whose school districts are served by
6 the educational service center. The composition of the board
7 will reflect the revisions of this amendatory Act of 1989 as
8 the terms of office of current members expire.

9 (c) The centers shall be of sufficient size and number to
10 assure delivery of services to all local school districts in
11 the State.

12 (d) From monies appropriated for this program the State
13 Board of Education shall provide grants paid from the Personal
14 Property Tax Replacement Fund to qualifying Educational
15 Service Centers applying for such grants in accordance with
16 rules and regulations promulgated by the State Board of
17 Education to implement this Section.

18 (e) The governing authority of each of the 18 regional
19 educational service centers shall appoint a comprehensive
20 personal health and safety education and comprehensive sexual
21 health ~~family life -- sex~~ education advisory board consisting
22 of 2 parents, 2 teachers, 2 school administrators, 2 school
23 board members, 2 health care professionals, one library system
24 representative, and the director of the regional educational
25 service center who shall serve as chairperson of the advisory
26 board so appointed. Members of the comprehensive personal

1 health and safety education and comprehensive sexual health
2 ~~family life — sex~~ education advisory boards shall serve
3 without compensation. Each of the advisory boards appointed
4 pursuant to this subsection shall develop a plan for regional
5 teacher-parent comprehensive personal health and safety
6 education and comprehensive sexual health ~~family life — sex~~
7 education training sessions and shall file a written report of
8 such plan with the governing board of their regional
9 educational service center. The directors of each of the
10 regional educational service centers shall thereupon meet,
11 review each of the reports submitted by the advisory boards
12 and combine those reports into a single written report which
13 they shall file with the Citizens Council on School Problems
14 prior to the end of the regular school term of the 1987-1988
15 school year.

16 (f) The 14 educational service centers serving Class I
17 county school units shall be disbanded on the first Monday of
18 August, 1995, and their statutory responsibilities and
19 programs shall be assumed by the regional offices of
20 education, subject to rules and regulations developed by the
21 State Board of Education. The regional superintendents of
22 schools elected by the voters residing in all Class I counties
23 shall serve as the chief administrators for these programs and
24 services.

25 (Source: P.A. 98-24, eff. 6-19-13; 98-647, eff. 6-13-14;
26 99-30, eff. 7-10-15.)

1 (105 ILCS 5/27-9.1a new)

2 Sec. 27-9.1a. Comprehensive personal health and safety and
3 comprehensive sexual health education.

4 (a) In this Section:

5 "Adapt" means to modify an evidence-based or
6 evidence-informed program model for use with a particular
7 demographic, ethnic, linguistic, or cultural group.

8 "Age and developmentally appropriate" means suitable to
9 particular ages or age groups of children and adolescents,
10 based on the developing cognitive, emotional, and behavioral
11 capacity typical for the age or age group.

12 "Characteristics of effective programs" includes
13 development, content, and implementation of such programs that
14 (i) have been shown to be effective in terms of increasing
15 knowledge, clarifying values and attitudes, increasing skills,
16 and impacting behavior, (ii) are widely recognized by leading
17 medical and public health agencies to be effective in changing
18 sexual behaviors that lead to sexually transmitted infections,
19 including HIV, unintended pregnancy, interpersonal violence,
20 and sexual violence among young people, and (iii) are taught
21 by professionals who provide a safe learning space, free from
22 shame, stigma, and ideology and are trained in trauma-informed
23 teaching methodologies.

24 "Complete" means aligns with the National Sex Education
25 Standards, including information on consent and healthy

1 relationships, anatomy and physiology, puberty and adolescent
2 sexual development, gender identity and expression, sexual
3 orientation and identity, sexual health, and interpersonal
4 violence.

5 "Comprehensive personal health and safety education" means
6 age and developmentally appropriate education that aligns with
7 the National Sex Education Standards, including information on
8 consent and healthy relationships, anatomy and physiology,
9 puberty and adolescent sexual development, gender identity and
10 expression, sexual orientation and identity, sexual health,
11 and interpersonal violence.

12 "Comprehensive sexual health education" means age and
13 developmentally appropriate education that aligns with the
14 National Sex Education Standards, including information on
15 consent and healthy relationships, anatomy and physiology,
16 puberty and adolescent sexual development, gender identity and
17 expression, sexual orientation and identity, sexual health,
18 and interpersonal violence.

19 "Consent" means an affirmative, knowing, conscious,
20 ongoing, and voluntary agreement to engage in interpersonal,
21 physical, or sexual activity, which can be revoked at any
22 point, including during the course of interpersonal, physical,
23 or sexual activity.

24 "Culturally appropriate" means affirming culturally
25 diverse individuals, families, and communities in an
26 inclusive, respectful, and effective manner, including

1 materials and instruction that are inclusive of race,
2 ethnicity, language, cultural background, immigration status,
3 religion, disability, gender, gender identity, gender
4 expression, sexual orientation, and sexual behavior.

5 "Evidence-based program" means a program for which
6 systematic, empirical research or evaluation has provided
7 evidence of effectiveness.

8 "Evidence-informed program" means a program that uses the
9 best available research and practice knowledge to guide
10 program design and implementation.

11 "Gender stereotype" means a generalized view or
12 preconception about what attributes, characteristics, or roles
13 are or ought to be taught, possessed by, or performed by people
14 based on their gender identity.

15 "Healthy relationships" means relationships between
16 individuals that consist of mutual respect, trust, honesty,
17 support, fairness, equity, separate identities, physical and
18 emotional safety, and good communication.

19 "Identity" means people's understanding of how they
20 identify their sexual orientation, gender, gender identity, or
21 gender expression without stereotypes, shame, or stigma.

22 "Inclusive" means inclusion of marginalized communities
23 that include, but are not limited to, people of color,
24 immigrants, people of diverse sexual orientations, gender
25 identities, and gender expressions, people who are intersex,
26 people with disabilities, people who have experienced

1 interpersonal or sexual violence, and others.

2 "Interpersonal violence" means violent behavior used to
3 establish power and control over another person.

4 "Medically accurate" means verified or supported by the
5 weight of research conducted in compliance with accepted
6 scientific methods and published in peer-reviewed journals, if
7 applicable, or comprising information recognized as accurate
8 and objective.

9 "Pre-exposure Prophylaxis (PrEP)" means medications
10 approved by the federal Food and Drug Administration (FDA) and
11 recommended by the United States Public Health Service or the
12 federal Centers for Disease Control and Prevention for HIV
13 pre-exposure prophylaxis and related pre-exposure prophylaxis
14 services, including, but not limited to, HIV and sexually
15 transmitted infection screening, treatment for sexually
16 transmitted infections, medical monitoring, laboratory
17 services, and sexual health counseling, to reduce the
18 likelihood of HIV infection for individuals who are not living
19 with HIV but are vulnerable to HIV exposure.

20 "Post-exposure Prophylaxis (PeP)" means the medications
21 that are recommended by the federal Centers for Disease
22 Control and Prevention and other public health authorities to
23 help prevent HIV infection after potential occupational or
24 non-occupational HIV exposure.

25 "Sexual violence" means discrimination, bullying,
26 harassment, including sexual harassment, sexual abuse, sexual

1 assault, intimate partner violence, incest, rape, and human
2 trafficking.

3 "Trauma informed" means to address vital information about
4 sexuality and well-being that takes into consideration how
5 adverse life experiences may potentially influence a person's
6 well-being and decision making.

7 (b) All classes that teach comprehensive personal health
8 and safety and comprehensive sexual health education shall
9 satisfy the following criteria:

10 (1) Course material and instruction shall be age and
11 developmentally appropriate, medically accurate,
12 complete, culturally appropriate, inclusive, and trauma
13 informed.

14 (2) Course material and instruction shall replicate
15 evidence-based or evidence-informed programs or
16 substantially incorporate elements of evidence-based
17 programs or evidence-informed programs or characteristics
18 of effective programs.

19 (3) Course material and instruction shall be inclusive
20 and sensitive to the needs of students based on their
21 status as pregnant or parenting, living with STIs,
22 including HIV, sexually active, asexual, or intersex or
23 based on their gender, gender identity, gender expression,
24 sexual orientation, sexual behavior, or disability.

25 (4) Course material and instruction shall be
26 accessible to students with disabilities, which may

1 include the use of a modified curriculum, materials,
2 instruction in alternative formats, assistive technology,
3 and auxiliary aids.

4 (5) Course material and instruction shall help
5 students develop self-advocacy skills for effective
6 communication with parents or guardians, health and social
7 service professionals, other trusted adults, and peers
8 about sexual health and relationships.

9 (6) Course material and instruction shall provide
10 information to help students develop skills for developing
11 healthy relationships and preventing and dealing with
12 interpersonal violence and sexual violence.

13 (7) Course material and instruction shall provide
14 information to help students safely use the Internet,
15 including social media, dating or relationship websites or
16 applications, and texting.

17 (8) Course material and instruction shall provide
18 information about local resources where students can
19 obtain additional information and confidential services
20 related to parenting, bullying, interpersonal violence,
21 sexual violence, suicide prevention, sexual and
22 reproductive health, mental health, substance abuse,
23 sexual orientation, gender identity, gender expression,
24 and other related issues.

25 (9) Course material and instruction shall include
26 information about State laws related to minor

1 confidentiality and minor consent, including exceptions,
2 consent education, mandated reporting of child abuse and
3 neglect, the safe relinquishment of a newborn child,
4 minors' access to confidential health care and related
5 services, school policies addressing the prevention of and
6 response to interpersonal and sexual violence, school
7 breastfeeding accommodations, and school policies
8 addressing the prevention of and response to sexual
9 harassment.

10 (10) Course material and instruction may not reflect
11 or promote bias against any person on the basis of the
12 person's race, ethnicity, language, cultural background,
13 citizenship, religion, HIV status, family structure,
14 disability, gender, gender identity, gender expression,
15 sexual orientation, or sexual behavior.

16 (11) Course material and instruction may not employ
17 gender stereotypes.

18 (12) Course material and instruction shall be
19 inclusive of and may not be insensitive or unresponsive to
20 the needs of survivors of interpersonal violence and
21 sexual violence.

22 (13) Course material and instruction may not
23 proselytize any religious doctrine.

24 (14) Course material and instruction may not
25 deliberately withhold health-promoting or life-saving
26 information about culturally appropriate health care and

1 services, including reproductive health services, hormone
2 therapy, and FDA-approved treatments and options,
3 including, but not limited to, Pre-exposure Prophylaxis
4 (PrEP) and Post-exposure Prophylaxis (PeP).

5 (15) Course material and instruction may not be
6 inconsistent with the ethical imperatives of medicine and
7 public health.

8 (c) A school may utilize guest lecturers or resource
9 persons to provide instruction or presentations in accordance
10 with Section 10-22.34b. Comprehensive personal health and
11 safety and comprehensive sexual health education instruction
12 and materials provided by guest lecturers or resource persons
13 may not conflict with the provisions of this Section.

14 (d) No student shall be required to take or participate in
15 any class or course in comprehensive personal health and
16 safety and comprehensive sexual health education. A student's
17 parent or guardian may opt the student out of comprehensive
18 personal health and safety and comprehensive sexual health
19 education by submitting the request in writing. Refusal to
20 take or participate in such a course or program may not be a
21 reason for disciplinary action, academic penalty, suspension,
22 or expulsion or any other sanction of a student. A school
23 district may not require active parental consent for
24 comprehensive personal health and safety and comprehensive
25 sexual health education.

26 (e) An opportunity shall be afforded to individuals,

1 including parents or guardians, to review the scope and
2 sequence of instructional materials to be used in a class or
3 course under this Section, either electronically or in person.
4 A school district shall annually post, on its Internet website
5 if one exists, which curriculum is used to provide
6 comprehensive personal health and safety and comprehensive
7 sexual health education and the name and contact information,
8 including an email address, of school personnel who can
9 respond to inquiries about instruction and materials.

10 (f) On or before August 1, 2022, the State Board of
11 Education, in consultation with youth, parents, sexual health
12 and violence prevention experts, health care providers,
13 advocates, and education practitioners, including, but not
14 limited to, administrators, regional superintendents of
15 schools, teachers, and school support personnel, shall develop
16 and adopt rigorous learning standards in the area of
17 comprehensive personal health and safety and comprehensive
18 sexual health education, including, but not limited to, all of
19 the National Sex Education Standards, including information on
20 consent and healthy relationships, anatomy and physiology,
21 puberty and adolescent sexual development, gender identity and
22 expression, sexual orientation and identity, sexual health,
23 and interpersonal violence, as authored by the Future of Sex
24 Education Initiative. As the National Sex Education Standards
25 are updated, the State Board of Education shall update these
26 learning standards.

1 (g) By no later than August 1, 2022, the State Board of
2 Education shall make available resource materials developed in
3 consultation with stakeholders, with the cooperation and input
4 of experts that provide and entities that promote age and
5 developmentally appropriate, medically accurate, complete,
6 culturally appropriate, inclusive, and trauma-informed
7 comprehensive personal health and safety and comprehensive
8 sexual health education policy. Materials may include, without
9 limitation, model comprehensive personal health and safety and
10 comprehensive sexual health education resources and programs.
11 The State Board of Education shall make these resource
12 materials available on its Internet website, in a clearly
13 identified and easily accessible place.

14 (h) Beginning no later than July 1, 2023, a school
15 district shall provide:

16 (1) age and developmentally appropriate, medically
17 accurate, complete, culturally appropriate, inclusive, and
18 trauma-informed comprehensive personal health and safety
19 education in kindergarten through the 5th grade in all
20 public schools; and

21 (2) age and developmentally appropriate, medically
22 accurate, complete, culturally appropriate, inclusive, and
23 trauma-informed comprehensive sexual health education in
24 the 6th through 12th grades in all public schools.

25 (i) Schools may choose and adapt the age and
26 developmentally appropriate, medically accurate, complete,

1 culturally appropriate, inclusive, and trauma-informed
2 comprehensive personal health and safety and comprehensive
3 sexual health education curriculum that meets the specific
4 needs of their community. All instruction and materials,
5 including materials provided or presented by outside
6 consultants, community groups, or organizations, may not
7 conflict with the provisions of this Section.

8 (j) The State Board of Education shall, through existing
9 reporting mechanisms if available, direct each school district
10 to identify, if instruction on comprehensive personal health
11 and safety and comprehensive sexual health education is
12 provided, whether the instruction was provided by a teacher in
13 the school, a consultant, or a community group or organization
14 and specify the name of the outside consultant, community
15 group, or organization; the number of students receiving
16 instruction; the number of students excused from instruction;
17 and the duration of instruction and shall report the results
18 of this inquiry to the General Assembly annually, for a period
19 of 2 years beginning one year after the effective date of this
20 amendatory Act of the 102nd General Assembly.

21 (105 ILCS 5/27-9.1b new)

22 Sec. 27-9.1b. Consent education.

23 (a) In this Section:

24 "Age and developmentally appropriate" has the meaning
25 ascribed to that term in Section 27-9.1a.

1 "Consent" has the meaning ascribed to that term in Section
2 27-9.1a.

3 (b) A school district shall provide age and
4 developmentally appropriate consent education in kindergarten
5 through the 12th grade.

6 (1) In kindergarten through the 5th grade, instruction
7 and materials shall include age and developmentally
8 appropriate instruction on consent and how to give and
9 receive consent, including a discussion that includes, but
10 is not limited to, all of the following:

11 (A) Setting appropriate physical boundaries with
12 others.

13 (B) Respecting the physical boundaries of others.

14 (C) The right to refuse to engage in behaviors or
15 activities that are uncomfortable or unsafe.

16 (D) Dealing with unwanted physical contact.

17 (E) Helping a peer deal with unwanted physical
18 contact.

19 (2) In the 6th through 12th grades, instruction and
20 materials shall include age and developmentally
21 appropriate instruction on consent and how to give and
22 receive consent, including a discussion that includes, but
23 is not limited to, all of the following:

24 (A) That consent is a freely given agreement to
25 sexual activity.

26 (B) That consent to one particular sexual activity

1 does not constitute consent to other types of sexual
2 activities.

3 (C) That a person's lack of verbal or physical
4 resistance or submission resulting from the use or
5 threat of force does not constitute consent.

6 (D) That a person's manner of dress does not
7 constitute consent.

8 (E) That a person's consent to past sexual
9 activity does not constitute consent to future sexual
10 activity.

11 (F) That a person's consent to engage in sexual
12 activity with one person does not constitute consent
13 to engage in sexual activity with another person.

14 (G) That a person can withdraw consent at any
15 time.

16 (H) That a person cannot consent to sexual
17 activity if that person is unable to understand the
18 nature of the activity or give knowing consent due to
19 certain circumstances that include, but are not
20 limited to:

21 (i) the person is incapacitated due to the use
22 or influence of alcohol or drugs;

23 (ii) the person is asleep or unconscious;

24 (iii) the person is a minor; or

25 (iv) the person is incapacitated due to a
26 mental disability.

1 (I) The legal age of consent in this State.

2 (105 ILCS 5/27A-5)

3 Sec. 27A-5. Charter school; legal entity; requirements.

4 (a) A charter school shall be a public, nonsectarian,
5 nonreligious, non-home based, and non-profit school. A charter
6 school shall be organized and operated as a nonprofit
7 corporation or other discrete, legal, nonprofit entity
8 authorized under the laws of the State of Illinois.

9 (b) A charter school may be established under this Article
10 by creating a new school or by converting an existing public
11 school or attendance center to charter school status.
12 Beginning on April 16, 2003 (the effective date of Public Act
13 93-3), in all new applications to establish a charter school
14 in a city having a population exceeding 500,000, operation of
15 the charter school shall be limited to one campus. The changes
16 made to this Section by Public Act 93-3 do not apply to charter
17 schools existing or approved on or before April 16, 2003 (the
18 effective date of Public Act 93-3).

19 (b-5) In this subsection (b-5), "virtual-schooling" means
20 a cyber school where students engage in online curriculum and
21 instruction via the Internet and electronic communication with
22 their teachers at remote locations and with students
23 participating at different times.

24 From April 1, 2013 through December 31, 2016, there is a
25 moratorium on the establishment of charter schools with

1 virtual-schooling components in school districts other than a
2 school district organized under Article 34 of this Code. This
3 moratorium does not apply to a charter school with
4 virtual-schooling components existing or approved prior to
5 April 1, 2013 or to the renewal of the charter of a charter
6 school with virtual-schooling components already approved
7 prior to April 1, 2013.

8 (c) A charter school shall be administered and governed by
9 its board of directors or other governing body in the manner
10 provided in its charter. The governing body of a charter
11 school shall be subject to the Freedom of Information Act and
12 the Open Meetings Act. No later than January 1, 2021 (one year
13 after the effective date of Public Act 101-291), a charter
14 school's board of directors or other governing body must
15 include at least one parent or guardian of a pupil currently
16 enrolled in the charter school who may be selected through the
17 charter school or a charter network election, appointment by
18 the charter school's board of directors or other governing
19 body, or by the charter school's Parent Teacher Organization
20 or its equivalent.

21 (c-5) No later than January 1, 2021 (one year after the
22 effective date of Public Act 101-291) or within the first year
23 of his or her first term, every voting member of a charter
24 school's board of directors or other governing body shall
25 complete a minimum of 4 hours of professional development
26 leadership training to ensure that each member has sufficient

1 familiarity with the board's or governing body's role and
2 responsibilities, including financial oversight and
3 accountability of the school, evaluating the principal's and
4 school's performance, adherence to the Freedom of Information
5 Act and the Open Meetings Act, and compliance with education
6 and labor law. In each subsequent year of his or her term, a
7 voting member of a charter school's board of directors or
8 other governing body shall complete a minimum of 2 hours of
9 professional development training in these same areas. The
10 training under this subsection may be provided or certified by
11 a statewide charter school membership association or may be
12 provided or certified by other qualified providers approved by
13 the State Board of Education.

14 (d) For purposes of this subsection (d), "non-curricular
15 health and safety requirement" means any health and safety
16 requirement created by statute or rule to provide, maintain,
17 preserve, or safeguard safe or healthful conditions for
18 students and school personnel or to eliminate, reduce, or
19 prevent threats to the health and safety of students and
20 school personnel. "Non-curricular health and safety
21 requirement" does not include any course of study or
22 specialized instructional requirement for which the State
23 Board has established goals and learning standards or which is
24 designed primarily to impart knowledge and skills for students
25 to master and apply as an outcome of their education.

26 A charter school shall comply with all non-curricular

1 health and safety requirements applicable to public schools
2 under the laws of the State of Illinois. On or before September
3 1, 2015, the State Board shall promulgate and post on its
4 Internet website a list of non-curricular health and safety
5 requirements that a charter school must meet. The list shall
6 be updated annually no later than September 1. Any charter
7 contract between a charter school and its authorizer must
8 contain a provision that requires the charter school to follow
9 the list of all non-curricular health and safety requirements
10 promulgated by the State Board and any non-curricular health
11 and safety requirements added by the State Board to such list
12 during the term of the charter. Nothing in this subsection (d)
13 precludes an authorizer from including non-curricular health
14 and safety requirements in a charter school contract that are
15 not contained in the list promulgated by the State Board,
16 including non-curricular health and safety requirements of the
17 authorizing local school board.

18 (e) Except as otherwise provided in the School Code, a
19 charter school shall not charge tuition; provided that a
20 charter school may charge reasonable fees for textbooks,
21 instructional materials, and student activities.

22 (f) A charter school shall be responsible for the
23 management and operation of its fiscal affairs including, but
24 not limited to, the preparation of its budget. An audit of each
25 charter school's finances shall be conducted annually by an
26 outside, independent contractor retained by the charter

1 school. To ensure financial accountability for the use of
2 public funds, on or before December 1 of every year of
3 operation, each charter school shall submit to its authorizer
4 and the State Board a copy of its audit and a copy of the Form
5 990 the charter school filed that year with the federal
6 Internal Revenue Service. In addition, if deemed necessary for
7 proper financial oversight of the charter school, an
8 authorizer may require quarterly financial statements from
9 each charter school.

10 (g) A charter school shall comply with all provisions of
11 this Article, the Illinois Educational Labor Relations Act,
12 all federal and State laws and rules applicable to public
13 schools that pertain to special education and the instruction
14 of English learners, and its charter. A charter school is
15 exempt from all other State laws and regulations in this Code
16 governing public schools and local school board policies;
17 however, a charter school is not exempt from the following:

18 (1) Sections 10-21.9 and 34-18.5 of this Code
19 regarding criminal history records checks and checks of
20 the Statewide Sex Offender Database and Statewide Murderer
21 and Violent Offender Against Youth Database of applicants
22 for employment;

23 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
24 34-84a of this Code regarding discipline of students;

25 (3) the Local Governmental and Governmental Employees
26 Tort Immunity Act;

1 (4) Section 108.75 of the General Not For Profit
2 Corporation Act of 1986 regarding indemnification of
3 officers, directors, employees, and agents;

4 (5) the Abused and Neglected Child Reporting Act;

5 (5.5) subsection (b) of Section 10-23.12 and
6 subsection (b) of Section 34-18.6 of this Code;

7 (6) the Illinois School Student Records Act;

8 (7) Section 10-17a of this Code regarding school
9 report cards;

10 (8) the P-20 Longitudinal Education Data System Act;

11 (9) Section 27-23.7 of this Code regarding bullying
12 prevention;

13 (10) Section 2-3.162 of this Code regarding student
14 discipline reporting;

15 (11) Sections 22-80 and 27-8.1 of this Code;

16 (12) Sections 10-20.60 and 34-18.53 of this Code;

17 (13) Sections 10-20.63 and 34-18.56 of this Code;

18 (14) Section 26-18 of this Code;

19 (15) Section 22-30 of this Code;

20 (16) Sections 24-12 and 34-85 of this Code;

21 (17) the Seizure Smart School Act; ~~and~~

22 (18) Section 2-3.64a-10 of this Code; ~~and~~

23 (19) Section 27-9.1a of this Code;

24 (20) Section 27-9.1b of this Code; and

25 (21) Section 34-18.8 of this Code.

26 The change made by Public Act 96-104 to this subsection

1 (g) is declaratory of existing law.

2 (h) A charter school may negotiate and contract with a
3 school district, the governing body of a State college or
4 university or public community college, or any other public or
5 for-profit or nonprofit private entity for: (i) the use of a
6 school building and grounds or any other real property or
7 facilities that the charter school desires to use or convert
8 for use as a charter school site, (ii) the operation and
9 maintenance thereof, and (iii) the provision of any service,
10 activity, or undertaking that the charter school is required
11 to perform in order to carry out the terms of its charter.
12 However, a charter school that is established on or after
13 April 16, 2003 (the effective date of Public Act 93-3) and that
14 operates in a city having a population exceeding 500,000 may
15 not contract with a for-profit entity to manage or operate the
16 school during the period that commences on April 16, 2003 (the
17 effective date of Public Act 93-3) and concludes at the end of
18 the 2004-2005 school year. Except as provided in subsection
19 (i) of this Section, a school district may charge a charter
20 school reasonable rent for the use of the district's
21 buildings, grounds, and facilities. Any services for which a
22 charter school contracts with a school district shall be
23 provided by the district at cost. Any services for which a
24 charter school contracts with a local school board or with the
25 governing body of a State college or university or public
26 community college shall be provided by the public entity at

1 cost.

2 (i) In no event shall a charter school that is established
3 by converting an existing school or attendance center to
4 charter school status be required to pay rent for space that is
5 deemed available, as negotiated and provided in the charter
6 agreement, in school district facilities. However, all other
7 costs for the operation and maintenance of school district
8 facilities that are used by the charter school shall be
9 subject to negotiation between the charter school and the
10 local school board and shall be set forth in the charter.

11 (j) A charter school may limit student enrollment by age
12 or grade level.

13 (k) If the charter school is approved by the State Board or
14 Commission, then the charter school is its own local education
15 agency.

16 (Source: P.A. 100-29, eff. 1-1-18; 100-156, eff. 1-1-18;
17 100-163, eff. 1-1-18; 100-413, eff. 1-1-18; 100-468, eff.
18 6-1-18; 100-726, eff. 1-1-19; 100-863, eff. 8-14-18; 101-50,
19 eff. 7-1-20; 101-81, eff. 7-12-19; 101-291, eff. 1-1-20;
20 101-531, eff. 8-23-19; 101-543, eff. 8-23-19; 101-654, eff.
21 3-8-21.)

22 (105 ILCS 5/34-18.8) (from Ch. 122, par. 34-18.8)

23 Sec. 34-18.8. HIV ~~AIDS~~ training. School guidance
24 counselors, nurses, teachers, school social workers, and other
25 school personnel who work with students shall ~~pupils may~~ be

1 trained to have a basic knowledge of matters relating to human
2 immunodeficiency virus (HIV) ~~acquired immunodeficiency~~
3 ~~syndrome (AIDS)~~, including the nature of the infection
4 ~~disease~~, its causes and effects, the means of detecting it and
5 preventing its transmission, the availability of appropriate
6 sources of counseling and referral, and any other medically
7 accurate information that is age and developmentally
8 appropriate for ~~may be appropriate considering the age and~~
9 ~~grade level of~~ such students ~~pupils~~. The Board of Education
10 shall supervise such training. The State Board of Education
11 and the Department of Public Health shall jointly develop
12 standards for such training.

13 (Source: P.A. 86-900.)

14 (105 ILCS 5/27-9.1 rep.)

15 (105 ILCS 5/27-9.2 rep.)

16 (105 ILCS 5/27-11 rep.)

17 Section 10. The School Code is amended by repealing
18 Sections 27-9.1, 27-9.2, and 27-11.

19 Section 15. The Critical Health Problems and Comprehensive
20 Health Education Act is amended by changing Section 3 as
21 follows:

22 (105 ILCS 110/3)

23 Sec. 3. Comprehensive Health Education Program. The

1 program established under this Act shall include, but not be
2 limited to, the following major educational areas as a basis
3 for curricula in all elementary and secondary schools in this
4 State: human ecology and health, human growth and development,
5 the emotional, psychological, physiological, hygienic, and
6 social responsibilities of family life, culturally,
7 developmentally, and age-appropriate, medically accurate, and
8 evidence-based or evidence-informed information regarding
9 ~~including sexual abstinence until marriage, prevention and~~
10 ~~control of disease, including instruction in grades 6 through~~
11 ~~12 on the prevention, transmission, and treatment of sexually~~
12 transmitted infections, including HIV/AIDS spread of AIDS,
13 age-appropriate sexual abuse and assault awareness and
14 prevention education in grades pre-kindergarten through 12,
15 public and environmental health, consumer health, safety
16 education and disaster survival, mental health and illness,
17 personal health habits, alcohol and drug use, and abuse,
18 including the medical and legal ramifications of alcohol,
19 drug, and tobacco use, abuse during pregnancy, ~~evidence-based~~
20 ~~and medically accurate information regarding sexual~~
21 ~~abstinence,~~ tobacco, nutrition, and dental health. The
22 instruction on mental health and illness must evaluate the
23 multiple dimensions of health by reviewing the relationship
24 between physical and mental health so as to enhance student
25 understanding, attitudes, and behaviors that promote health,
26 well-being, and human dignity. The program shall also provide

1 course material and instruction to advise students ~~pupils~~ of
2 the Abandoned Newborn Infant Protection Act. The program shall
3 include medically accurate information about cancer,
4 including, without limitation, types of cancer, signs and
5 symptoms, risk factors, the importance of early prevention and
6 detection, and information on where to go for help.
7 Notwithstanding the above educational areas, the following
8 areas may also be included as a basis for curricula in all
9 elementary and secondary schools in this State: basic first
10 aid (including, but not limited to, cardiopulmonary
11 resuscitation and the Heimlich maneuver), heart disease,
12 diabetes, stroke, the prevention of child abuse, neglect, and
13 suicide, and teen dating violence in grades 7 through 12.
14 Beginning with the 2014-2015 school year, training on how to
15 properly administer cardiopulmonary resuscitation (which
16 training must be in accordance with standards of the American
17 Red Cross, the American Heart Association, or another
18 nationally recognized certifying organization) and how to use
19 an automated external defibrillator shall be included as a
20 basis for curricula in all secondary schools in this State.

21 The school board of each public elementary and secondary
22 school in the State shall encourage all teachers and other
23 school personnel to acquire, develop, and maintain the
24 knowledge and skills necessary to properly administer
25 life-saving techniques, including, without limitation, the
26 Heimlich maneuver and rescue breathing. The training shall be

1 in accordance with standards of the American Red Cross, the
2 American Heart Association, or another nationally recognized
3 certifying organization. A school board may use the services
4 of non-governmental entities whose personnel have expertise in
5 life-saving techniques to instruct teachers and other school
6 personnel in these techniques. Each school board is encouraged
7 to have in its employ, or on its volunteer staff, at least one
8 person who is certified, by the American Red Cross or by
9 another qualified certifying agency, as qualified to
10 administer first aid and cardiopulmonary resuscitation. In
11 addition, each school board is authorized to allocate
12 appropriate portions of its institute or inservice days to
13 conduct training programs for teachers and other school
14 personnel who have expressed an interest in becoming qualified
15 to administer emergency first aid or cardiopulmonary
16 resuscitation. School boards are urged to encourage their
17 teachers and other school personnel who coach school athletic
18 programs and other extracurricular school activities to
19 acquire, develop, and maintain the knowledge and skills
20 necessary to properly administer first aid and cardiopulmonary
21 resuscitation in accordance with standards and requirements
22 established by the American Red Cross or another qualified
23 certifying agency. Subject to appropriation, the State Board
24 of Education shall establish and administer a matching grant
25 program to pay for half of the cost that a school district
26 incurs in training those teachers and other school personnel

1 who express an interest in becoming qualified to administer
2 cardiopulmonary resuscitation (which training must be in
3 accordance with standards of the American Red Cross, the
4 American Heart Association, or another nationally recognized
5 certifying organization) or in learning how to use an
6 automated external defibrillator. A school district that
7 applies for a grant must demonstrate that it has funds to pay
8 half of the cost of the training for which matching grant money
9 is sought. The State Board of Education shall award the grants
10 on a first-come, first-serve basis.

11 No student pupil shall be required to take or participate
12 in any class or course on HIV/AIDS ~~AIDS~~ or family life
13 instruction or to receive training on how to properly
14 administer cardiopulmonary resuscitation or how to use an
15 automated external defibrillator if the student's ~~his or her~~
16 parent or guardian submits written objection thereto, and
17 refusal to take or participate in the course or program or the
18 training shall not be reason for suspension or expulsion of
19 the student pupil.

20 Curricula developed under programs established in
21 accordance with this Act in the major educational area of
22 alcohol and drug use and abuse shall include classroom
23 instruction in grades 5 through 12. The instruction, which
24 shall include matters relating to both the physical and legal
25 effects and ramifications of drug and substance abuse, shall
26 be integrated into existing curricula; and the State Board of

1 Education shall develop and make available to all elementary
2 and secondary schools in this State instructional materials
3 and guidelines which will assist the schools in incorporating
4 the instruction into their existing curricula. In addition,
5 school districts may offer, as part of existing curricula
6 during the school day or as part of an after school program,
7 support services and instruction for students ~~pupils~~ or
8 students ~~pupils~~ whose parent, parents, or guardians are
9 chemically dependent.

10 (Source: P.A. 101-305, eff. 1-1-20; revised 8-21-20.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law."